

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

BRIAN MCBETH,

Defendant.

16-CR-317-07 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

In a supplemental presentence report, the United States Probation Department has concluded that defendant Brian McBeth is eligible for a reduction of sentence under Sentencing Guidelines Amendment 821. Dkt. 783. On January 31, 2024, the Court reappointed trial counsel Guy Oksenhendler, Esq., to represent Mr. McBeth in moving for a reduction of sentence, and directed that such a motion be made by February 7, 2024. Dkt. 801. The Court set that deadline mindful that, according to the Probation Department, Mr. McBeth's present release date is September 7, 2024, and he is eligible for a reduction of sentence of up to six months. Dkt. 783.

Mr. Oksenhendler did not file the motion. The Court, in following up, was notified today that Mr. Oksenhendler passed away on February 7, 2024. The Court admired Mr. Oksenhendler for his skill, vigor, collegiality and enthusiasm for the practice of law, and expresses condolences to Mr. Oksenhendler's family.

The Court hereby appoints Richard Palma, Esq., to represent Mr. McBeth in connection with making a motion under Amendment 821. The Court expects new counsel to file such a motion expeditiously, and in all events by Friday, February 23, 2024.

In the interest of promptly resolving the motion, the Court directs the Government, by letter due forthwith, to state whether, based on the information known to it, it would oppose a six-month reduction of Mr. McBeth's sentence by six months. The Court so directs because, in the event that the Government states that it would not oppose such relief, such may enable newly appointed defense counsel to file an abbreviated motion on a shorter timetable than otherwise.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: February 15, 2024
New York, New York